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2 UNITED STATES BANKRUPTCY COURT  
3 SOUTHERN DISTRICT OF NEW YORK

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5 In the Matter of:

6 RUDOLPH W. GIULIANI, Lead Case No.  
7 Debtor. 23-12055-shl

8 - - - - -x

9 FREEMAN, et al.,  
10 Plaintiffs, Adv. Proc. No.  
11 v. 24-01320-shl

12 GIULIANI,  
13 Defendant.

14 - - - - -x

15 United States Bankruptcy Court  
16 One Bowling Green  
17 New York, New York

18  
19 March 13, 2024  
20 10:24 AM

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22 B E F O R E:

23 HON. SEAN H. LANE

24 U.S. BANKRUPTCY JUDGE

25 ECRO: NAROTAM RAI

Case Management Status Conference

Doc. #145 Notice Of Agenda

Doc. #110 (Status Conference) Application To Employ Akin Gump  
Strauss Hauer & Feld LLP As Counsel To The Official Committee  
Of Unsecured Effective As Of January 16, 2024

Doc. #133 Joint Motion To Extend Time / Joint Motion Of The  
Debtor And The Official Committee Of Unsecured Creditors For  
Order Approving Stipulation Concerning Deadline For Creditors  
To Challenge Dischargeability Of Debts

Doc. #137 Order Scheduling An Expedited Hearing And Shortening  
The Notice Period With Respect To The Joint Motion Of The  
Debtor And The Official Committee Of Unsecured Creditors For  
Order Approving Stipulation Concerning Deadline For Creditors  
To Challenge Dischargeability Of Debts

Adversary proceeding: 24-01320-shl Freeman et al v. Giuliani  
Doc. #4 Plaintiff's Request For A Pre-Motion Conference To File  
A Motion For Summary Judgment

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15 UDAY GORREPATI, ABI Project (ZOOM)

16 TAYLOR HARRISON, ION Group (ZOOM)

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18 RANDI LOVE, Bloomberg Law (ZOOM)

19 EVAN OCHSNER, Bloomberg Law (ZOOM)

20 JONATHAN RANGLES, Bloomberg News (ZOOM)

21 ZACHARY SCHONFELD, The Hill (ZOOM)

22 MICHAEL SHO VAN (ZOOM)

23 VINCE SULLIVAN, Law360 (ZOOM)

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25 DAVID ZUBKIS, Reorg (ZOOM)



**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

9

1 P R O C E E D I N G S

2 THE COURT: All right. The next case that's on is the  
3 Chapter 11 case of Rudolph Giuliani.

4 And so let me find out who is here on behalf of the  
5 debtor.

6 MR. BERGER: Yes. Good morning, Your Honor. Heath  
7 Berger of Berger, Fischoff, Shumer, Wexler & Goodman, attorneys  
8 for the debtor Rudolph Giuliani.

9 THE COURT: All right.

10 MR. FISCHOFF: And good morning, Your Honor. I'm  
11 sorry.

12 THE COURT: Oh, no. Go ahead, please.

13 MR. FISCHOFF: Good morning, Your Honor. Gary  
14 Fischoff, also from Berger, Fischoff, attorneys for the debtor.

15 THE COURT: All right. Good morning.

16 And on behalf of the official committee of unsecured  
17 creditors.

18 MR. DUBLIN: Good morning, Your Honor. Phil Dublin,  
19 Akin Gump Strauss Hauer & Feld, proposed counsel for the  
20 committee. And with me today are Rachel Biblo Block and Amelia  
21 Danovitch.

22 THE COURT: All right. Good morning.

23 And on behalf of what we've been referring to as the  
24 judgment plaintiffs, but I'm happy to use another nomenclature  
25 if it's preferred, let me get that appearance.

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

10

1 MR. NATHAN: Morning, Your Honor. Aaron Nathan,  
2 Willkie Farr & Gallagher, on behalf of the judgment plaintiffs.  
3 With me here is James Burbage, also Willkie Farr & Gallagher.

4 MR. BURBAGE: Good morning, Your Honor.

5 THE COURT: All right. Good morning.

6 And I believe we have somebody here from the Davidoff  
7 Hutcher firm. Let me --

8 MR. GLUCKSMAN: Yes.

9 THE COURT: -- get that appearance.

10 MR. GLUCKSMAN: James B. Glucksman, attorneys for  
11 Davidoff Hutcher, of counsel Davidoff Hutcher, creditor on the  
12 case.

13 THE COURT: All right. And on behalf of U.S.  
14 Dominion.

15 All right. On behalf of the New York State Department  
16 of Taxation.

17 Some folks may be on listen-only mode, which is  
18 perfectly fine.

19 Oh, I see Ms. Stuart.

20 MS. STUART: Good morning, Your Honor. I was on  
21 listen-only. Enid Stuart for the Department of Taxation and  
22 Finance from the Attorney General.

23 THE COURT: All right. Good morning.

24 And from the United States Trustee's office.

25 MS. SCHWARTZ: Morning, Your Honor. Andrea Schwartz

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

11

1 for the United States Trustee.

2 THE COURT: All right. Good morning.

3 And at this point, I will turn it over to any other  
4 party who wishes to make an appearance who has not yet done so.

5 All right. So I think we have our assembled group.  
6 And so we actually have a fairly modest agenda, I think. But  
7 I'll turn it over to debtor's counsel to start us off.

8 MR. BERGER: So good morning, Your Honor. Heath  
9 Berger, attorney for the debtor, again. Your Honor, yeah,  
10 there is just a modest agenda today.

11 Since we were here the last time, Your Honor, just to  
12 confirm that the application to employ the Sibley firm was  
13 signed by the Court, the motions were filed as set forth in  
14 their application. I do understand that the Freeman plaintiffs  
15 have filed papers also, and there may be some additional papers  
16 that will be filed by Mr. Sibley in response to those papers.

17 THE COURT: And you're talking about all the papers  
18 post-trial in the district court in connection with the case  
19 where the judgment -- where the judgment plaintiffs have gotten  
20 a decision?

21 MR. BERGER: Yes, that's correct, Your Honor.

22 Additionally, after going back and forth through a few  
23 rounds, the U.S. Trustee and creditors committee had approved  
24 all of our documents, which were filed to the court in  
25 connection with our retention. There was also an order

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

12

1 uploaded to the court. So we've all agreed on language for  
2 that. So that's currently just waiting for Your Honor to sign  
3 off on.

4 We're now just finalizing the retention applications  
5 for the Cayman firm in connection with the disciplinary  
6 hearings. We'll be working on that. We understand that there  
7 may be some stuff coming down the pipe sooner rather than  
8 later.

9 Additionally, Your Honor, this office has filed a  
10 motion to extend our exclusivity period. I believe that's  
11 returnable April 4th before this court.

12 Additionally, Your Honor, a lot of paperwork and  
13 motions being filed -- just actually, Your Honor, let me just  
14 take one step back.

15 Additionally, we're in the process of working with  
16 Sotheby's in connection with listing the debtor's Manhattan  
17 property. I've been working with the attorneys for the  
18 creditors committee on some language that they've wanted. Made  
19 most of the changes. We just actually received the proposed  
20 listing agreement, which I sent over to the attorneys for the  
21 creditors committee. So they'll be going through that. So  
22 hopefully that'll be good.

23 And then obviously, the U.S. Trustee has the  
24 applications, and we're all working on that. So hopefully, we  
25 can get that filed because we'd like to get the apartment

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

13

1 listed as soon as possible.

2 In connection with that, Your Honor, I think what's  
3 pending before the Court now is the application in regard to  
4 Akin's retention, which I guess we could circle back to that.  
5 There's a stipulation to approve a joint motion from the  
6 unsecured creditors committee to extend all of the creditors'  
7 time's to object to the dischargeability of their debt. We  
8 consented to that, Your Honor. We think it's a way to save  
9 money for the estate. Unfortunately, we still have the  
10 adversary that was filed by the Freeman plaintiffs, which I  
11 believe we have a conference on that to discuss that, Your  
12 Honor.

13 Finally, Your Honor, there was a motion filed by the  
14 creditors committee in regard to 2004 (indiscernible) to a  
15 number of individuals. We do have a meet-and-confer on that  
16 tomorrow, Your Honor, so hopefully we could set scheduling for  
17 the 2004. Work out the documents that we will be providing  
18 that we have in our possession and that we can get. And  
19 anybody in our control, we will make sure they are available  
20 for any 2004 and document request that the creditors committee  
21 is asking for.

22 Other than that, Your Honor, a lot out there, but we  
23 are trying to navigate this and try to proceed forward in the  
24 most expeditious and cost-efficient manner as possible.

25 THE COURT: All right. So I will take a few of those

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

14

1 things. Pick up the thread. I do have the proposed  
2 authorizing employment of your firm as attorneys for the  
3 debtor. And I understand that the language has been something  
4 that's discussed and worked out among your firm and the United  
5 States Trustee's office. And so I held on to the order,  
6 literally, just because I knew we were getting together today.

7 So I'm happy to hear if anybody has any comments in  
8 connection with the request to enter an order authorizing your  
9 firm's employment.

10 I obviously heard from you, Mr. Berger.

11 Anybody has else who wishes to be heard in connection  
12 with that proposed order?

13 All right. So I will sign that as soon as I get off  
14 the bench. So that's one thing down.

15 As to the 2004, I appreciate that the parties are  
16 going to meet-and-confer. That's how it's supposed to work so  
17 you can resolve as many issues as you can. And then if there's  
18 other issues you can't, we'll be chatting about it here.

19 Let me ask if there's sort of a general timetable on  
20 that. I'm trying to remember when we're next scheduled to come  
21 in. I assume we can sort of put that 2004 on the calendar for  
22 our next get-together, just for a status. And I believe we  
23 have a date for a status conference on the -- or initial case  
24 conference on the nondischargeability adversary proceeding  
25 filed by the Freeman plaintiffs, or the judgment plaintiffs,

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

15

1 however we're referring to them. I think they seem to get both  
2 labels.

3 So remind me, Mr. Berger, is there a date that we are  
4 already using in this case for other matters that we can sort  
5 of park the 2004 on for a status?

6 MR. BERGER: Yes, Judge. Looks like the status for  
7 the adversary is on for April 11th at 11 o'clock.

8 THE COURT: All right. Yeah, that sounds familiar.  
9 Thank you. I just didn't have that handy. All right. So and  
10 does it make sense to use that date for the 2004 motion, from  
11 your perspective? Obviously other folks may have other  
12 perspectives, but I just figured since you and I are chatting  
13 right now, I'll get your views.

14 MR. BERGER: Yeah, Judge, that works for us. That  
15 gives us some -- to do our meet-and-confer tomorrow  
16 (indiscernible) we have more issues, try to coordinate it. I  
17 think we can work together on it. I think that's a good date  
18 to give us a little time to coordinate scheduling and things  
19 like that.

20 THE COURT: All right. And I think, also, if I  
21 remember the joint motion that we'll talk about in a second,  
22 there was talk about how the debtor further amended schedules  
23 on February 27th. But further amendments and disclosures are  
24 necessary, so I imagine that will all dovetail with the 2004 as  
25 well. All right.

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

16

1 MR. BERGER: That's correct, Your Honor.

2 THE COURT: So anything else that you wanted to  
3 address in connection with the joint motion, turning to that,  
4 in terms of extending the time to challenge dischargeability?

5 MR. BERGER: No, Your Honor. While I do think that a  
6 motion to extend our exclusivity, I think, is on for April 4th,  
7 what I will do, just to make everything kind of work on the  
8 same track, is if that's the case, I'll just adjourn that to  
9 April 11th date, if that's okay with the Court. This way, we  
10 can keep everything on at the same time.

11 THE COURT: Yeah, I think that makes a lot of sense,  
12 just to avoid coming in frequently. But again, I'll hear from  
13 other folks on that in a second. So as soon as you and I  
14 finish talking, Mr. Berger, I'll circle the virtual room.

15 So anything else, Mr. Berger?

16 MR. BERGER: That's it, Your Honor. What I will try  
17 to do is hopefully get that application for Sotheby and  
18 hopefully get that all in place and get that returnable that  
19 date also. So again, keep everything on the same track.

20 THE COURT: All right. Thank you very much.

21 And at this point, I'll turn to the official  
22 committee.

23 MR. DUBLIN: Thank you, Your Honor. Again, Phil  
24 Dublin, Akin Gump Strauss Hauer & Feld, proposed counsel to the  
25 committee. Your Honor, as you may recall from a prior



**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

17

1 conference, we filed the 2004 motion and scheduled for a  
2 hearing at your request considering the issues at play in this  
3 case and the high-profile nature.

4 We did file that motion on March 7th and in  
5 coordination with your chambers, scheduled a hearing on the  
6 motion for April 4. We provided a draft of the motion to the  
7 debtors, who will acknowledge on a very short time frame before  
8 we filed it, in order to have that April 4th hearing date and  
9 do look forward to working constructively with the debtor, as  
10 well as other parties from which we seek 2004 examinations in  
11 advance of that date. But we would like to keep April 4 as the  
12 hearing date.

13 I would also note that April 11th is just a date that  
14 doesn't work for our firm. So we think, however, that given  
15 the filing on March 7 and the hearing on April 4, it's  
16 sufficient time to reach agreement with parties on the type of  
17 information --

18 THE COURT: I would agree with that.

19 MR. DUBLIN: -- (indiscernible) requesting.

20 THE COURT: That's fine. I'm not trying to do any --  
21 I'm just trying to be as efficient as possible. So I may float  
22 to counsel for the Freeman plaintiffs, whether we want to have  
23 our initial case conference in the adversary and move it up  
24 from the 11th to the 4th. Those things are sort of  
25 generated -- those dates are generated automatically by the

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

18

1 clerk's office. And my courtroom deputy tends to be very much  
2 on top of the docket. So oftentimes, events in the case sort  
3 of have sort of superseded the date that's given by the clerk's  
4 office. So my thought is perhaps we use the 4th as opposed to  
5 the 11th for everything, again, just to avoid dragging all you  
6 nice people in multiple times in the interest just be as  
7 efficient as possible.

8 So Mr. Dublin, what else is on your mind? Anything  
9 you wanted to mention as to the joint motion dealing with the  
10 extension of the deadline for dischargeability?

11 MR. DUBLIN: Thank you, Your Honor. We spoke with a  
12 number of claimants, including those on the committee, and  
13 agreed that with the debtors that entering into the stipulation  
14 was in the best interest of the estate in order to, among other  
15 things, save costs, as Mr. Berger mentioned, while the Freeman  
16 nondischargeability issues play out, and also because many of  
17 the actions, if not all of the other actions, against the  
18 debtor do not have judgments yet.

19 So in the interest of efficiency, as well as giving us  
20 time to potentially negotiate a Chapter 11 plan and do  
21 additional investigation into assets and liabilities of the  
22 debtor, I think we all believe this to be a good use of  
23 limiting estate resources as well as minimizing court time on  
24 issues that could take up a significant amount of your time,  
25 Your Honor, in advance of seeing where other issues in the case

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

19

1 are going to play out.

2 And we also negotiated that with the Office of the  
3 United States Trustee and understand that they are also  
4 supportive of relief requested in the joint stipulation.

5 THE COURT: All right. Thank you very much for that  
6 background on that. I appreciate it, and I appreciate the  
7 thought that went into it. It makes a lot of sense. And so I  
8 applaud the foresight of the parties to get that kind of an  
9 agreement on the docket.

10 Of course, I recognize that the adversary proceeding  
11 filed by the Freeman plaintiffs, if I remember right, is under  
12 523(a)(6), which deals with a specific debt and a specific  
13 grounds, as opposed to challenging dischargeability sort of  
14 writ large. So but we'll get to all that and sorting all that  
15 and the significance of that as we go forward. In the  
16 meantime, makes a lot of sense to me.

17 So anything else from you, Mr. Dublin?

18 MR. DUBLIN: Yes, Your Honor. There's two other  
19 items. One, with respect to our retention application, we are  
20 working on some wordsmithing with the proposed order with the  
21 United States Trustee's office. We expect to submit a revised  
22 order to chambers within the next twenty-four hours.

23 There were otherwise no objections raised with respect  
24 to our proposed retention, which, as Your Honor may recall, we  
25 are proposing to do on a pro bono basis, with the caveat that

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

20

1 if we end up in -- the unlikely scenario where we end up with a  
2 Chapter 11 plan confirmed that is not supported by the  
3 creditors committee, we reserve the right to seek fees in that  
4 circumstance. That's not something we expect to happen, and  
5 it's an issue we can deal with at that time.

6 THE COURT: All right. Thank you.

7 MR. DUBLIN: And this is the last item, Your Honor.  
8 Of course, notwithstanding the 2004 motion, we are continuing  
9 to conduct our analysis with respect to the debtor, his assets  
10 and liabilities, on an informal basis as much as possible. We  
11 have regular dialog with debtor's counsel in trying to advance  
12 the Chapter 11 cases, advance the realization of value with  
13 respect to nonexempt assets.

14 In that regard, one of the most valuable assets that  
15 the debtor seems to have that is not subject to exemption is a  
16 second residence located in Florida. And if we are unable in  
17 the near-term to convince the debtor to list that property, we  
18 may come before Your Honor on that issue. That's just a bit of  
19 a coming-attraction issue. We hope to resolve that  
20 consensually, but if not, we may need to seek the Court's  
21 intervention.

22 THE COURT: All right. I appreciate the preview on  
23 that. And I guess the only thing I would say is there are  
24 times when having -- you've had conversations, and you know  
25 there's not a whole lot more to discuss, short of filing a

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

21

1 motion that addresses the issue. And then there are times when  
2 it's helpful to have a discussion in court, and status  
3 conferences can be useful for that purpose. I'll leave it to  
4 you all to have those discussions and see what category various  
5 items fall into and for example, the Florida residents, whether  
6 it's worth having a discussion online about it.

7 And just, we'll again keep trying to use these status  
8 conferences to air issues in advance nobody's surprised and  
9 again, that when motions are filed, we haven't precluded  
10 discussions on the topic. But again, you'll use your  
11 considered professional judgment on behalf of the committee to  
12 figure all that out.

13 So thank you for your comments, Mr. Dublin.

14 So let me turn to the Freeman plaintiffs.

15 MR. NATHAN: Your Honor, nothing further to add on  
16 this, unless we're ready to move to the status conference on  
17 the adversary proceeding.

18 THE COURT: All right. So we'll put a pin in that for  
19 just a moment. Well, let me just ask you about scheduling. I  
20 think the 11th is on -- I think that -- am I right in saying  
21 that was just sort of an initial case conference date generated  
22 by the clerk's office, I believe?

23 MR. NATHAN: That's correct, Your Honor.

24 THE COURT: All right. So my thought, again, just to  
25 make this as efficient as possible, if you don't -- if it

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

22

1 doesn't do violence to any other plans that you have is to  
2 maybe cancel that date and use the 4th as the date, just so we  
3 have sort of one-stop shopping; would that work for you?

4 MR. NATHAN: I believe it would. And one thing we may  
5 discuss at the adversary proceeding conference is whether that  
6 initial case conference should go forward at that time in any  
7 event. But we can address that when we turn to the adversary  
8 proceeding.

9 THE COURT: All right. Yeah. No, I know we have some  
10 things to talk about in terms of that. So but I just didn't  
11 want to forget to sort of deal with scheduling and try to deal  
12 with it in the most efficient way possible.

13 All right. So let me turn to the United States  
14 Trustee's office. Anything they might want to add about the  
15 case?

16 MS. SCHWARTZ: Thank you, Your Honor. Andrea Schwartz  
17 for the U.S. Trustee. With regard to the Akin retention, we  
18 have no objection in principle. We did give some informal  
19 objections with respect to the application, which are going to  
20 be addressed in the supplemental declaration, a revision to the  
21 order. And as Mr. Dublin said, we expect to send in an agreed-  
22 upon form of order by the end of the week.

23 And also with respect to extensions of time to object  
24 to the dischargeability of any debt or the extension of  
25 discharge, the debtor has consented to extend the U.S.

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

23

1 Trustee's deadline on those things and is sending us -- we're  
2 waiting for their proposed stipulation.

3 Otherwise, Your Honor, we don't have anything else to  
4 report today.

5 THE COURT: All right. Thank you very much.

6 All right. Anybody else who wishes to be heard as to  
7 the case status?

8 All right. Hearing nothing, I want to make sure  
9 there's nobody else who wishes to be heard in connection with  
10 the application of the Akin Gump firm to serve as counsel for  
11 the official committee.

12 All right. Hearing nothing, I'm happy to approve that  
13 application. I appreciate, again, the communications between  
14 counsel and the U.S. Trustee's office to iron-out issues, and I  
15 will await the revised proposed order on that.

16 And let me ask if anybody else wishes to be heard on  
17 the joint motion to approve a stipulation extending out the  
18 deadline for creditors to challenge dischargeability of debts?  
19 That's at ECF 133.

20 All right. Hearing no further response on that,  
21 again, I applaud the parties for moving forward with that.  
22 Makes a whole lot of sense for many reasons, and I'm happy to  
23 approve it. So I'll get that order entered shortly after  
24 today's hearing as well.

25 And so with that, I think the only other thing that

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

24

1 would be -- that we need to discuss is the adversary  
2 proceeding. Again, we do have a date calendared in April for  
3 it as well.

4 But let me turn it over to counsel for the Freeman  
5 plaintiffs as to anything we should discuss today.

6 MR. NATHAN: Thank you, Your Honor. Aaron Nathan for  
7 the Freeman plaintiffs. We had hoped to have an agreed  
8 briefing schedule on our summary judgment motion to propose.  
9 It is taking us a little bit longer to reach an agreement with  
10 opposing counsel than we expected, but we expect to have that  
11 resolved today or tomorrow, at which point, we can submit a  
12 proposed form of order to your chambers.

13 Beyond that, we're prepared to discuss anything that  
14 the Court would like to know about. Our position, though, is  
15 as we stated in our letter, is that the material issues in this  
16 adversary proceeding have been resolved conclusively in the  
17 earlier Freeman litigation and that this Court can determine  
18 dischargeability on our summary judgment papers.

19 THE COURT: All right. Thank you very much. That was  
20 the issue I was going to raise. And glad to hear the parties  
21 are already on top of it.

22 And so let me ask debtor's counsel, is there anything  
23 you wanted to add as to the adversary proceeding?

24 MR. BERGER: Your Honor, (indiscernible) we've been  
25 back and forth between last night and today with some proposed



**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

25

1 dates and times and scheduling, and I hope to get in our answer  
2 and then to allow them to bring on their motion. And  
3 obviously, we're going to need time to respond to their motion  
4 for summary judgment. So we're just kind of working on some  
5 dates.

6 I don't think there's going to be any issue at the end  
7 of the day that we won't be able to work out dates amongst  
8 ourselves. I'd have to say, everybody so far, communication  
9 has been great, so I don't see an issue going forward. If it  
10 is, obviously we'll bring it up to the Court.

11 THE COURT: All right. So we'll carry the status of  
12 the adversary proceeding to the date April 4th. I'm going to  
13 cancel April 11th just because I think we can do what we need  
14 to do on the 4th, and we'll take it where we are on the 4th.

15 I would imagine you will have already submitted to me  
16 at that point a proposed schedule as to the adversary  
17 proceeding and briefing. If for some reason that's not the  
18 case, we'll talk about it on the 4th and obviously anything  
19 else we might need to talk about. So I will look for that in  
20 the inbox as well.

21 And with that, let me ask debtor's counsel if there's  
22 anything else they want to address here this morning.

23 MR. BERGER: Your Honor, Heath Berger for the debtor.  
24 Nothing, Your Honor. Again, we appreciate the Court's  
25 assistance in moving this case along. And we appreciate the

**RUDOLPH W. GIULIANI; FREEMAN, et al. v. GIULIANI**

26

1 open communication with all the parties involved.

2 THE COURT: All right. Let me ask if there's any  
3 other party has anything else that they want to address here  
4 this morning.

5 All right. Again, I appreciate the conversation among  
6 counsel. There's going to be a lot of things that people  
7 disagree about, but we'd like to work out the things that  
8 people can agree about, which are things like scheduling and  
9 things like the stipulation that I'm happy to approve. So with  
10 that, I wish you all a good day, and I will see you on April  
11 4th. Thanks so much.

12 MR. BERGER: Okay. Thank you very much, Your Honor.  
13 Have a great afternoon.

14 THE COURT: You, too.

15 (Whereupon these proceedings were concluded at 10:49 AM)  
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I N D E X

RULINGS:

PAGE LINE

Application to employ Akin Gump

23 12

Strauss Hauer &

Feld LLP is granted

Joint motion to extend deadline to

23 22

challenge dischargeability is granted

C E R T I F I C A T I O N

I, River Wolfe, certify that the foregoing transcript is a true  
and accurate record of the proceedings.



River Wolfe (CDLT-265)

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Phoenix, AZ 85020

Date: March 14, 2024

March 13, 2024

	21:8	14:21	7:21	claimants (1)
A	AKIN (6)	ATTORNEY (3)	briefing (2)	18:12
Aaron (2)	5:2,12;9:19;16:24;	7:11;10:22;11:9	24:8;25:17	CLARA (1)
10:1;24:6	22:17;23:10	Attorneys (14)	bring (2)	8:13
ABI (1)	Akin's (1)	5:3,13;6:3,12;7:3,	25:2,10	clerk's (3)
8:15	13:4	12,20;8:3;9:7,14;	BROGAN (1)	18:1,3;21:22
ABID (1)	allow (1)	10:10;12:17,20;14:2	6:8	coming (2)
5:21	25:2	authorizing (2)	Bryant (1)	12:7;16:12
able (1)	along (1)	14:2,8	5:15	coming-attraction (1)
25:7	25:25	automatically (1)	BUCHAITER (1)	20:19
acknowledge (1)	AMELIA (2)	17:25	7:2	comments (2)
17:7	5:18;9:20	available (1)	Burbage (2)	14:7;21:13
actions (2)	amended (1)	13:19	10:3,4	Committee (16)
18:17,17	15:22	Avenue (1)		5:3,13;9:16,20;
actually (3)	amendments (1)	6:13	C	11:23;12:18,21;13:6,
11:6;12:13,19	15:23	avoid (2)		14,20;16:22,25;
add (3)	among (3)	16:12;18:5	CA (1)	18:12;20:3;21:11;
21:15;22:14;24:23	14:4;18:14;26:5	await (1)	7:6	23:11
additional (2)	amongst (1)	23:15	calendar (1)	communication (2)
11:15;18:21	25:7		14:21	25:8;26:1
Additionally (4)	amount (1)	B	calendared (1)	communications (1)
11:22;12:9,12,15	18:24		24:2	23:13
address (4)	analysis (1)	back (4)	can (15)	concluded (1)
16:3;22:7;25:22;	20:9	11:22;12:14;13:4;	12:25;13:18;14:17,	26:15
26:3	ANDREA (3)	24:25	17,21;15:4,17;16:10;	conclusively (1)
addressed (1)	7:24;10:25;22:16	background (1)	20:5;21:3;22:7;24:11,	24:16
22:20	Angeles (1)	19:6	17;25:13;26:8	conduct (1)
addresses (1)	7:6	basis (2)	cancel (2)	20:9
21:1	apartment (1)	19:25;20:10	22:2;25:13	conference (9)
adjourn (1)	12:25	BECKY (1)	carry (1)	13:11;14:23,24;
16:8	appearance (3)	8:24	25:11	17:1,23;21:16,21;
advance (5)	9:25;10:9;11:4	behalf (7)	case (17)	22:5,6
17:11;18:25;20:11,	applaud (2)	9:4,16,23;10:2,13,	9:2,3;10:12;11:18;	conferences (2)
12:21:8	19:8;23:21	15;21:11	14:23;15:4;16:8;17:3,	21:3,8
adversary (13)	application (8)	bench (1)	23;18:2,25;21:21;	confirm (1)
13:10;14:24;15:7;	11:12,14;13:3;	14:14	22:6,15;23:7;25:18,	11:12
17:23;19:10;21:17;	16:17;19:19;22:19;	BENESCH (1)	25	confirmed (1)
22:5,7;24:1,16,23;	23:10,13	6:2	cases (1)	20:2
25:12,16	applications (2)	BERGER (21)	20:12	connection (9)
afternoon (1)	12:4,24	9:6,7,7,14;11:8,9,	category (1)	11:18,25;12:5,16;
26:13	appreciate (8)	21;14:10;15:3,6,14;	21:4	13:2;14:8,11;16:3;
again (14)	14:15;19:6,6;20:22;	16:1,5,14,15,16;	caveat (1)	23:9
11:9;16:12,19,23;	23:13;25:24,25;26:5	18:15;24:24;25:23,	19:25	consensually (1)
18:5;21:7,9,10,24;	approve (5)	23;26:12	Cayman (1)	20:20
23:13,21;24:2;25:24;	13:5;23:12,17,23;	best (1)	12:5	consented (2)
26:5	26:9	18:14	challenge (2)	13:8;22:25
against (1)	approved (1)	Beyond (1)	16:4;23:18	considered (1)
18:17	11:23	24:13	challenging (1)	21:11
agenda (2)	April (13)	BIBLO (2)	19:13	considering (1)
11:6,10	12:11;15:7;16:6,9;	5:9;9:20	chambers (3)	17:2
agree (2)	17:6,8,11,13,15;24:2;	bit (2)	17:5;19:22;24:12	constructively (1)
17:18;26:8	25:12,13;26:10	20:18;24:9	changes (1)	17:9
agreed (3)	ARCHER (1)	BLOCK (2)	12:19	continuing (1)
12:1;18:13;24:7	8:11	5:9;9:20	Chapter (4)	20:8
agreed- (1)	ARONOFF (1)	Bloomberg (3)	9:3;18:20;20:2,12	control (1)
22:21	6:2	8:18,19,20	chatting (2)	13:19
agreement (4)	assembled (1)	Blvd (1)	14:18;15:12	conversation (1)
12:20;17:16;19:9;	11:5	7:4	circle (2)	26:5
24:9	assets (4)	bono (1)	13:4;16:14	conversations (1)
ahead (1)	18:21;20:9,13,14	19:25	circumstance (1)	20:24
9:12	assistance (1)	both (1)	20:4	convince (1)
air (1)	25:25	15:1	CITRON (2)	20:17
	assume (1)	Bowling (1)	6:11,12	coordinate (2)

March 13, 2024

15:16,18 <b>coordination (1)</b> 17:5 <b>COPLAN (1)</b> 6:2 <b>CORPORATION (1)</b> 7:2 <b>cost-efficient (1)</b> 13:24 <b>costs (1)</b> 18:15 <b>counsel (13)</b> 9:19;10:11;11:7; 16:24;17:22;20:11; 23:10,14;24:4,10,22; 25:21;26:6 <b>course (2)</b> 19:10;20:8 <b>COURT (42)</b> 9:2,9,12,15,22;10:5, 9,13,23;11:2,13,17, 18,24;12:1,11;13:3, 25:15:8,20;16:2,9,11, 20;17:18,20;18:23; 19:5;20:6,22;21:2,18, 24;22:9;23:5;24:14, 17,19;25:10,11;26:2, 14 <b>courtroom (1)</b> 18:1 <b>Court's (2)</b> 20:20;25:24 <b>creditor (1)</b> 10:11 <b>Creditors (11)</b> 5:4,14;9:17;11:23; 12:18,21;13:6,14,20; 20:3;23:18 <b>creditors' (1)</b> 13:6 <b>currently (1)</b> 12:2	25:7;26:10 <b>DC (1)</b> 8:5 <b>DE (1)</b> 6:6 <b>deadline (3)</b> 18:10;23:1,18 <b>deal (3)</b> 20:5;22:11,11 <b>dealing (1)</b> 18:9 <b>deals (1)</b> 19:12 <b>debt (3)</b> 13:7;19:12;22:24 <b>debtor (14)</b> 9:5,8,14;11:9;14:3; 15:22;17:9;18:18,22; 20:9,15,17;22:25; 25:23 <b>debtors (2)</b> 17:7;18:13 <b>debtor's (5)</b> 11:7;12:16;20:11; 24:22;25:21 <b>debts (1)</b> 23:18 <b>decision (1)</b> 11:20 <b>declaration (1)</b> 22:20 <b>Department (4)</b> 7:12,19;10:15,21 <b>deputy (1)</b> 18:1 <b>determine (1)</b> 24:17 <b>dialog (1)</b> 20:11 <b>DIETRICH (1)</b> 8:17 <b>disagree (1)</b> 26:7 <b>discharge (1)</b> 22:25 <b>dischargeability (7)</b> 13:7;16:4;18:10; 19:13;22:24;23:18; 24:18 <b>disciplinary (1)</b> 12:5 <b>disclosures (1)</b> 15:23 <b>discuss (6)</b> 13:11;20:25;22:5; 24:1,5,13 <b>discussed (1)</b> 14:4 <b>discussion (2)</b> 21:2,6 <b>discussions (2)</b> 21:4,10 <b>district (1)</b>	11:18 <b>docket (2)</b> 18:2;19:9 <b>document (1)</b> 13:20 <b>documents (2)</b> 11:24;13:17 <b>Dominion (2)</b> 7:3;10:14 <b>done (1)</b> 11:4 <b>dovetail (1)</b> 15:24 <b>down (2)</b> 12:7;14:14 <b>draft (1)</b> 17:6 <b>dragging (1)</b> 18:5 <b>DUBLIN (13)</b> 5:19;9:18,18;16:23, 24;17:19;18:8,11; 19:17,18;20:7;21:13; 22:21 <b>DUNPHY (1)</b> 8:12	5:20 <b>EVAN (1)</b> 8:19 <b>event (1)</b> 22:7 <b>events (1)</b> 18:2 <b>everybody (1)</b> 25:8 <b>examinations (1)</b> 17:10 <b>example (1)</b> 21:5 <b>exclusivity (2)</b> 12:10;16:6 <b>exemption (1)</b> 20:15 <b>expect (4)</b> 19:21;20:4;22:21; 24:10 <b>expected (1)</b> 24:10 <b>expeditious (1)</b> 13:24 <b>extend (4)</b> 12:10;13:6;16:6; 22:25 <b>extending (2)</b> 16:4;23:17 <b>extension (2)</b> 18:10;22:24 <b>extensions (1)</b> 22:23	11:13,15,16,24; 12:9,13,25;13:10,13; 14:25;17:1,8;19:11; 21:9 <b>filing (2)</b> 17:15;20:25 <b>finalizing (1)</b> 12:4 <b>Finally (1)</b> 13:13 <b>Finance (2)</b> 7:12;10:22 <b>find (1)</b> 9:4 <b>fine (2)</b> 10:18;17:20 <b>finish (1)</b> 16:14 <b>firm (7)</b> 10:7;11:12;12:5; 14:2,4;17:14;23:10 <b>firm's (1)</b> 14:9 <b>Fischhoff (5)</b> 9:7,10,13,14,14 <b>float (1)</b> 17:21 <b>Florida (2)</b> 20:16;21:5 <b>folks (3)</b> 10:17;15:11;16:13 <b>foresight (1)</b> 19:8 <b>forget (1)</b> 22:11 <b>form (2)</b> 22:22;24:12 <b>forth (3)</b> 11:13,22;24:25 <b>forward (6)</b> 13:23;17:9;19:15; 22:6;23:21;25:9 <b>frame (1)</b> 17:7 <b>Freeman (9)</b> 11:14;13:10;14:25; 17:22;19:11;21:14; 24:4,7,17 <b>Freemen (1)</b> 18:15 <b>frequently (1)</b> 16:12 <b>FRIEDLANDER (1)</b> 6:2 <b>further (4)</b> 15:22,23;21:15; 23:20
<b>D</b>		<b>E</b>	<b>F</b>	
<b>Dallas (1)</b> 5:7 <b>DANIEL (1)</b> 6:8 <b>DANOVITCH (2)</b> 5:18;9:21 <b>date (16)</b> 14:23;15:3,10,17; 16:9,19;17:8,11,12, 13;18:3;21:21;22:2,2; 24:2;25:12 <b>dates (4)</b> 17:25;25:1,5,7 <b>DAVID (1)</b> 8:25 <b>DAVIDOFF (5)</b> 6:11,12;10:6,11,11 <b>day (2)</b>		<b>earlier (1)</b> 24:17 <b>ECF (1)</b> 23:19 <b>efficiency (1)</b> 18:19 <b>efficient (4)</b> 17:21;18:7;21:25; 22:12 <b>else (12)</b> 14:11;16:2,15;18:8; 19:17;23:3,6,9,16; 25:19,22;26:3 <b>employ (1)</b> 11:12 <b>employment (2)</b> 14:2,9 <b>end (4)</b> 20:1,1;22:22;25:6 <b>ENID (2)</b> 7:16;10:21 <b>enter (1)</b> 14:8 <b>entered (1)</b> 23:23 <b>entering (1)</b> 18:13 <b>ESQ (14)</b> 5:9,18,19,20,21;6:8, 16,17,18,19;7:8,16, 24;8:7 <b>estate (3)</b> 13:9;18:14,23 <b>EULMESSEKIAN (1)</b>	<b>fairly (1)</b> 11:6 <b>fall (1)</b> 21:5 <b>familiar (1)</b> 15:8 <b>far (1)</b> 25:8 <b>Farr (2)</b> 10:2,3 <b>February (1)</b> 15:23 <b>fees (1)</b> 20:3 <b>FELD (4)</b> 5:2,12;9:19;16:24 <b>few (2)</b> 11:22;13:25 <b>Field (1)</b> 5:5 <b>figure (1)</b> 21:12 <b>figured (1)</b> 15:12 <b>file (1)</b> 17:4 <b>filed (14)</b>	<b>G</b>
				<b>Gallagher (2)</b> 10:2,3 <b>Gary (1)</b>

9:13 GENERAL (3) 7:11;10:22;14:19 generated (3) 17:25,25;21:21 GEOGHEGAN (1) 8:13 GERSTEIN (1) 8:14 get-together (1) 14:22 Giuliani (2) 9:3,8 given (2) 17:14;18:3 gives (1) 15:15 giving (1) 18:19 glad (1) 24:20 GLUCKSMAN (4) 6:16;10:8,10,10 Good (16) 9:6,10,13,15,18,22; 10:4,5,20,23;11:2,8; 12:22;15:17;18:22; 26:10 Goodman (1) 9:7 GORREPATI (1) 8:15 great (2) 25:9;26:13 Green (1) 7:21 grounds (1) 19:13 Group (2) 8:16;11:5 guess (2) 13:4;20:23 GUMP (5) 5:2,12;9:19;16:24; 23:10	hearing (9) 17:2,5,8,12,15;23:8, 12,20,24 hearings (1) 12:6 Heath (3) 9:6;11:8;25:23 held (1) 14:5 helpful (1) 21:2 high-profile (1) 17:3 Hill (1) 8:21 Honor (42) 9:6,10,13,18;10:1,4, 20,25;11:8,9,11,21; 12:2,9,12,13;13:2,8, 12,13,16,22;16:1,5, 16,23,25;18:11,25; 19:18,24;20:7,18; 21:15,23;22:16,23,3; 24:6,24;25:23,24; 26:12 hope (2) 20:19;25:1 hoped (1) 24:7 hopefully (5) 12:22,24;13:16; 16:17,18 hours (1) 19:22 HUTCHER (5) 6:11,12;10:7,11,11	intervention (1) 20:21 into (4) 18:13,21;19:7;21:5 investigation (1) 18:21 involved (1) 26:1 ION (1) 8:16 iron-out (1) 23:14 issue (7) 20:5,18,19;21:1; 24:20;25:6,9 issues (10) 14:17,18;15:16; 17:2;18:16,24,25; 21:8;23:14;24:15 item (1) 20:7 items (2) 19:19;21:5	knew (1) 14:6	M
H	I	JAMES (3) 6:16;10:3,10 JOEL (1) 7:8 joint (6) 13:5;15:21;16:3; 18:9;19:4;23:17 JONATHAN (2) 6:17;8:20 JOSEPH (1) 6:18 JOSHUA (1) 8:14 Journal (1) 8:24 Judge (2) 15:6,14 judgment (9) 9:24;10:2;11:19,19; 14:25;21:11;24:8,18; 25:4 judgments (1) 18:18 JUSTICE (1) 7:19	labels (1) 15:2 language (3) 12:1,18;14:3 large (1) 19:14 last (3) 11:11;20:7;24:25 later (1) 12:8 Law (2) 8:18,19 Law360 (3) 8:11,13,23 leave (1) 21:3 letter (1) 24:15 liabilities (2) 18:21;20:10 Liberty (1) 7:13 limiting (1) 18:23 list (1) 20:17 listed (1) 13:1 listen-only (2) 10:17,21 listing (2) 12:16,20 literally (1) 14:6 litigation (1) 24:17 little (2) 15:18;24:9 LLP (6) 5:2,12;6:2,11,12; 8:2 located (1) 20:16 longer (1) 24:9 look (2) 17:9;25:19 Looks (1) 15:6 Los (1) 7:6 lot (8) 12:12;13:22;16:11; 19:7,16;20:25;23:22; 26:6 LOVE (1) 8:18	
handy (1) 15:9 happen (1) 20:4 happy (5) 9:24;14:7;23:12,22; 26:9 HARRISON (1) 8:16 HAUER (4) 5:2,12;9:19;16:24 hear (3) 14:7;16:12;24:20 heard (5) 14:10,11;23:6,9,16	imagine (2) 15:24;25:15 inbox (1) 25:20 Inc (1) 7:3 including (1) 18:12 indiscernible (4) 13:14;15:16;17:19; 24:24 individuals (1) 13:15 informal (2) 20:10;22:18 information (1) 17:17 initial (4) 14:23;17:23;21:21; 22:6 interest (3) 18:6,14,19 Interested (1) 8:3	K		
		keep (4) 16:10,19;17:11; 21:7 KENNETH (1) 8:7 kind (3) 16:7;19:8;25:4 KNAUTH (1) 8:17		

March 13, 2024

23:17;24:8;25:2,3 <b>motions (3)</b> 11:13;12:13;21:9 <b>move (2)</b> 17:23;21:16 <b>moving (2)</b> 23:21;25:25 <b>much (8)</b> 16:20;18:1;19:5; 20:10;23:5;24:19; 26:11,12 <b>multiple (1)</b> 18:6	<b>note (1)</b> 17:13 <b>notwithstanding (1)</b> 20:8 <b>number (2)</b> 13:15;18:12 <b>NY (4)</b> 5:16;6:14;7:14,22 <b>NYS (2)</b> 7:11,12	9:4;13:17,22;14:4; 18:16;19:1;21:12; 23:17;25:7;26:7 <b>over (4)</b> 11:3,7;12:20;24:4	9:12 <b>point (4)</b> 11:3;16:21;24:11; 25:16 <b>Politico (1)</b> 8:14 <b>POLITO (1)</b> 6:18 <b>position (1)</b> 24:14 <b>possession (1)</b> 13:18 <b>possible (7)</b> 13:1,24;17:21;18:7; 20:10;21:25;22:12 <b>post-trial (1)</b> 11:18 <b>potentially (1)</b> 18:20 <b>precluded (1)</b> 21:9 <b>preferred (1)</b> 9:25 <b>prepared (1)</b> 24:13 <b>PRESENT (1)</b> 8:10 <b>preview (1)</b> 20:22 <b>principle (1)</b> 22:18 <b>prior (1)</b> 16:25 <b>pro (1)</b> 19:25 <b>proceed (1)</b> 13:23 <b>proceeding (10)</b> 14:24;19:10;21:17; 22:5,8;24:2,16,23; 25:12,17 <b>proceedings (1)</b> 26:15 <b>process (1)</b> 12:15 <b>PROFESSIONAL (2)</b> 7:2;21:11 <b>Project (1)</b> 8:15 <b>property (2)</b> 12:17;20:17 <b>propose (1)</b> 24:8 <b>proposed (12)</b> 9:19;12:19;14:1,12; 16:24;19:20,24;23:2, 15;24:12,25;25:16 <b>proposing (1)</b> 19:25 <b>provided (1)</b> 17:6 <b>providing (1)</b> 13:17	<b>purpose (1)</b> 21:3 <b>put (2)</b> 14:21;21:18
<b>N</b>	<b>O</b>	<b>P</b>		<b>Q</b>
<b>NAGLER (1)</b> 7:16 <b>Nathan (7)</b> 10:1,1;21:15,23; 22:4;24:6,6 <b>nature (1)</b> 17:3 <b>navigate (1)</b> 13:23 <b>near-term (1)</b> 20:17 <b>necessary (1)</b> 15:24 <b>need (5)</b> 20:20;24:1;25:3,13, 19 <b>negotiate (1)</b> 18:20 <b>negotiated (1)</b> 19:2 <b>New (5)</b> 5:16;6:14;7:14,22; 10:15 <b>News (1)</b> 8:20 <b>next (4)</b> 9:2;14:20,22;19:22 <b>nice (1)</b> 18:6 <b>night (1)</b> 24:25 <b>nobody (1)</b> 23:9 <b>nobody's (1)</b> 21:8 <b>NOELLE (1)</b> 8:12 <b>nomenclature (1)</b> 9:24 <b>nondischargeability (2)</b> 14:24;18:16 <b>nonexempt (1)</b> 20:13 <b>North (2)</b> 5:5;6:4 <b>Northwest (1)</b> 8:4	<b>object (2)</b> 13:7;22:23 <b>objection (1)</b> 22:18 <b>objections (2)</b> 19:23;22:19 <b>obviously (6)</b> 12:23;14:10;15:11; 25:3,10,18 <b>OCHSNER (1)</b> 8:19 <b>o'clock (1)</b> 15:7 <b>off (3)</b> 11:7;12:3;14:13 <b>OFFICE (12)</b> 7:11,20;10:24;12:9; 14:5;18:1,4;19:2,21; 21:22;22:14;23:14 <b>Official (5)</b> 5:3,13;9:16;16:21; 23:11 <b>oftentimes (1)</b> 18:2 <b>One (7)</b> 5:15;7:21;12:14; 14:14;19:19;20:14; 22:4 <b>one-stop (1)</b> 22:3 <b>online (1)</b> 21:6 <b>only (2)</b> 20:23;23:25 <b>open (1)</b> 26:1 <b>opposed (2)</b> 18:4;19:13 <b>opposing (1)</b> 24:10 <b>order (13)</b> 11:25;14:5,8,12; 17:8;18:14;19:20,22; 22:21,22;23:15,23; 24:12 <b>otherwise (2)</b> 19:23;23:3 <b>ourselves (1)</b> 25:8 <b>out (10)</b>	<b>papers (5)</b> 11:15,15,16,17; 24:18 <b>paperwork (1)</b> 12:12 <b>Park (2)</b> 5:15;15:5 <b>parties (7)</b> 14:15;17:10,16; 19:8;23:21;24:20; 26:1 <b>Party (3)</b> 8:3;11:4;26:3 <b>PASTERNAK (1)</b> 6:17 <b>pending (1)</b> 13:3 <b>people (3)</b> 18:6;26:6,8 <b>perfectly (1)</b> 10:18 <b>perhaps (1)</b> 18:4 <b>period (1)</b> 12:10 <b>PERKINS (1)</b> 8:7 <b>perspective (1)</b> 15:11 <b>perspectives (1)</b> 15:12 <b>Phil (2)</b> 9:18;16:23 <b>PHILIP (1)</b> 5:19 <b>Pick (1)</b> 14:1 <b>pin (1)</b> 21:18 <b>pipe (1)</b> 12:7 <b>place (1)</b> 16:18 <b>plaintiffs (12)</b> 9:24;10:2;11:14,19; 13:10;14:25,25; 17:22;19:11;21:14; 24:5,7 <b>plan (2)</b> 18:20;20:2 <b>plans (1)</b> 22:1 <b>play (3)</b> 17:2;18:16;19:1 <b>please (1)</b>		<b>QURESHI (1)</b> 5:21
	<b>R</b>			<b>R</b>
				<b>RACHEL (2)</b> 5:9;9:20 <b>raise (1)</b> 24:20 <b>raised (1)</b> 19:23 <b>RANDI (1)</b> 8:18 <b>RANGLES (1)</b> 8:20 <b>rather (1)</b> 12:7 <b>RATTET (1)</b> 6:19 <b>reach (2)</b> 17:16;24:9 <b>ready (1)</b> 21:16 <b>realization (1)</b> 20:12 <b>reason (1)</b> 25:17 <b>reasons (1)</b> 23:22 <b>recall (2)</b> 16:25;19:24 <b>received (1)</b> 12:19 <b>recognize (1)</b> 19:10 <b>referring (2)</b> 9:23;15:1 <b>regard (4)</b> 13:3,14;20:14; 22:17 <b>regular (1)</b> 20:11 <b>relief (1)</b> 19:4 <b>remember (3)</b> 14:20;15:21;19:11 <b>remind (1)</b> 15:3 <b>Reorg (1)</b> 8:25 <b>report (1)</b> 23:4 <b>request (3)</b> 13:20;14:8;17:2 <b>requested (1)</b> 19:4



March 13, 2024

<b>requesting (1)</b> 17:19 <b>reserve (1)</b> 20:3 <b>residence (1)</b> 20:16 <b>residents (1)</b> 21:5 <b>resolve (2)</b> 14:17;20:19 <b>resolved (2)</b> 24:11,16 <b>resources (1)</b> 18:23 <b>respect (6)</b> 19:19,23;20:9,13; 22:19,23 <b>respond (1)</b> 25:3 <b>response (2)</b> 11:16;23:20 <b>retention (6)</b> 11:25;12:4;13:4; 19:19,24;22:17 <b>returnable (2)</b> 12:11;16:18 <b>Reuters (1)</b> 8:17 <b>revised (2)</b> 19:21;23:15 <b>revision (1)</b> 22:20 <b>RICK (1)</b> 8:11 <b>right (37)</b> 9:2,9,15,22;10:5,13, 15,23;11:2,5;13:25; 14:13;15:8,9,13,20, 25;16:20;19:5,11; 20:3,6,22;21:18,20, 24;22:9,13;23:5,6,8, 12,20;24:19;25:11; 26:2,5 <b>ROBERT (1)</b> 6:19 <b>room (1)</b> 16:14 <b>rounds (1)</b> 11:23 <b>Rudolph (2)</b> 9:3,8	20:1 <b>schedule (2)</b> 24:8;25:16 <b>scheduled (3)</b> 14:20;17:1,5 <b>schedules (1)</b> 15:22 <b>scheduling (6)</b> 13:16;15:18;21:19; 22:11;25:1;26:8 <b>SCHONFELD (1)</b> 8:21 <b>SCHWARTZ (5)</b> 7:24;10:25,25; 22:16,16 <b>second (3)</b> 15:21;16:13;20:16 <b>seeing (1)</b> 18:25 <b>seek (3)</b> 17:10;20:3,20 <b>seem (1)</b> 15:1 <b>seems (1)</b> 20:15 <b>send (1)</b> 22:21 <b>sending (1)</b> 23:1 <b>sense (5)</b> 15:10;16:11;19:7, 16;23:22 <b>sent (1)</b> 12:20 <b>serve (1)</b> 23:10 <b>set (2)</b> 11:13;13:16 <b>SHANT (1)</b> 5:20 <b>shopping (1)</b> 22:3 <b>short (2)</b> 17:7;20:25 <b>shortly (1)</b> 23:23 <b>SHOVAN (1)</b> 8:22 <b>Shumer (1)</b> 9:7 <b>Sibley (2)</b> 11:12,16 <b>sign (2)</b> 12:2;14:13 <b>signed (1)</b> 11:13 <b>significance (1)</b> 19:15 <b>significant (1)</b> 18:24 <b>Smartmatic (1)</b> 6:3 <b>somebody (1)</b>	10:6 <b>soon (3)</b> 13:1;14:13;16:13 <b>sooner (1)</b> 12:7 <b>sorry (1)</b> 9:11 <b>sort (10)</b> 14:19,21;15:4; 17:24;18:2,3;19:13; 21:21;22:3,11 <b>sorting (1)</b> 19:14 <b>Sotheby (1)</b> 16:17 <b>Sotheby's (1)</b> 12:16 <b>sounds (1)</b> 15:8 <b>specific (2)</b> 19:12,12 <b>spoke (1)</b> 18:11 <b>start (1)</b> 11:7 <b>State (1)</b> 10:15 <b>stated (1)</b> 24:15 <b>States (6)</b> 10:24;11:1;14:5; 19:3,21;22:13 <b>status (9)</b> 14:22,23;15:5,6; 21:2,7,16;23:7;25:11 <b>step (1)</b> 12:14 <b>still (1)</b> 13:9 <b>stipulation (6)</b> 13:5;18:13;19:4; 23:2,17;26:9 <b>STRAUSS (4)</b> 5:2,12;9:19;16:24 <b>STRAWN (1)</b> 8:2 <b>Street (5)</b> 5:5;6:4;7:13;8:4,24 <b>STUART (4)</b> 7:16;10:19,20,21 <b>stuff (1)</b> 12:7 <b>subject (1)</b> 20:15 <b>submit (2)</b> 19:21;24:11 <b>submitted (1)</b> 25:15 <b>sufficient (1)</b> 17:16 <b>Suite (3)</b> 5:6;6:5;7:5 <b>SULLIVAN (1)</b>	8:23 <b>summary (3)</b> 24:8,18;25:4 <b>superseded (1)</b> 18:3 <b>supplemental (1)</b> 22:20 <b>supported (1)</b> 20:2 <b>supportive (1)</b> 19:4 <b>supposed (1)</b> 14:16 <b>sure (2)</b> 13:19;23:8 <b>surprised (1)</b> 21:8	<b>topic (1)</b> 21:10 <b>track (2)</b> 16:8,19 <b>Trustee (6)</b> 7:20;11:1,23;12:23; 19:3;22:17 <b>Trustee's (6)</b> 10:24;14:5;19:21; 22:14;23:1,14 <b>try (4)</b> 13:23;15:16;16:16; 22:11 <b>trying (6)</b> 13:23;14:20;17:20, 21;20:11;21:7 <b>turn (7)</b> 11:3,7;16:21;21:14; 22:7,13;24:4 <b>turning (1)</b> 16:3 <b>twenty-four (1)</b> 19:22 <b>two (1)</b> 19:18 <b>TX (1)</b> 5:7 <b>type (1)</b> 17:16
<b>S</b>				
<b>same (3)</b> 16:8,10,19 <b>SAMUELS (1)</b> 7:8 <b>save (2)</b> 13:8;18:15 <b>saying (1)</b> 21:20 <b>scenario (1)</b>				<b>U</b>
				<b>UDAY (1)</b> 8:15 <b>unable (1)</b> 20:16 <b>under (1)</b> 19:11 <b>Unfortunately (1)</b> 13:9 <b>United (6)</b> 10:24;11:1;14:4; 19:3,21;22:13 <b>unless (1)</b> 21:16 <b>unlikely (1)</b> 20:1 <b>Unsecured (4)</b> 5:3,13;9:16;13:6 <b>up (6)</b> 14:1;17:23;18:24; 20:1,1;25:10 <b>uploaded (1)</b> 12:1 <b>upon (1)</b> 22:22 <b>use (7)</b> 9:24;15:10;18:4,22; 21:7,10;22:2 <b>useful (1)</b> 21:3 <b>using (1)</b> 15:4

March 13, 2024

	19:20;25:4			
<b>V</b>	<b>works (1)</b> 15:14	<b>2</b>		
<b>valuable (1)</b> 20:14	<b>worth (1)</b> 21:6	<b>20036 (1)</b> 8:5		
<b>value (1)</b> 20:12	<b>writ (1)</b> 19:14	<b>2004 (11)</b> 13:14,17,20;14:15, 21;15:5,10,24;17:1, 10;20:8		
<b>various (1)</b> 21:4	<b>Y</b>	<b>2300 (1)</b> 5:5		
<b>views (1)</b> 15:13	<b>YERAK (1)</b> 8:24	<b>27th (1)</b> 15:23		
<b>VINCE (1)</b> 8:23	<b>York (5)</b> 5:16;6:14;7:14,22; 10:15	<b>28 (1)</b> 7:13		
<b>violence (1)</b> 22:1				
<b>virtual (1)</b> 16:14	<b>Z</b>	<b>4</b>		
<b>W</b>	<b>ZACHARY (1)</b> 8:21	<b>4 (3)</b> 17:6,11,15		
<b>waiting (2)</b> 12:2;23:2	<b>ZOOM (25)</b> 5:20;6:8,16,17,18, 19;7:8,16,24;8:7,11, 12,13,14,15,16,17,18, 19,20,21,22,23,24,25	<b>4th (11)</b> 12:11;16:6;17:8,24; 18:4;22:2;25:12,14, 14,18;26:11		
<b>Wall (1)</b> 8:24	<b>ZUBKIS (1)</b> 8:25	<b>5</b>		
<b>Washington (1)</b> 8:5		<b>523a6 (1)</b> 19:12		
<b>way (3)</b> 13:8;16:9;22:12	<b>1</b>	<b>6</b>		
<b>week (1)</b> 22:22	<b>10:49 (1)</b> 26:15	<b>605 (1)</b> 6:13		
<b>Wexler (1)</b> 9:7	<b>1000 (1)</b> 7:4	<b>7</b>		
<b>what's (1)</b> 13:2	<b>10004 (1)</b> 7:22	<b>7 (1)</b> 17:15		
<b>Whereupon (1)</b> 26:15	<b>10005 (1)</b> 7:14	<b>75201 (1)</b> 5:7		
<b>whole (2)</b> 20:25;23:22	<b>10036 (1)</b> 5:16	<b>7th (1)</b> 17:4		
<b>Willkie (2)</b> 10:2,3	<b>10158 (1)</b> 6:14	<b>9</b>		
<b>Wilmington (1)</b> 6:6	<b>11 (5)</b> 9:3;15:7;18:20; 20:2,12	<b>90017 (1)</b> 7:6		
<b>Wilshire (1)</b> 7:4	<b>11th (7)</b> 15:7;16:9;17:13,24; 18:5;21:20;25:13			
<b>WINSTON (1)</b> 8:2	<b>1201 (1)</b> 6:5			
<b>wish (1)</b> 26:10	<b>1313 (1)</b> 6:4			
<b>wishes (5)</b> 11:4;14:11;23:6,9, 16	<b>133 (1)</b> 23:19			
<b>within (1)</b> 19:22	<b>1500 (1)</b> 7:5			
<b>wordsmithing (1)</b> 19:20	<b>1800 (1)</b> 5:6			
<b>Work (8)</b> 13:17;14:16;15:17; 16:7;17:14;22:3;25:7; 26:7	<b>1901 (1)</b> 8:4			
<b>worked (1)</b> 14:4	<b>19801 (1)</b> 6:6			
<b>working (7)</b> 12:6,15,17,24;17:9;				